

(2) a felony of the third degree if the actor is a person whose duty to register expires under Article 62.12(a) and who is required to verify registration once each year under Article 62.06; and

(3) a felony of the second degree if the actor is a person whose duty to register expires under Article 62.12(a) and who is required to verify registration once each 90-day period under Article 62.06.

(c) If it is shown at the trial of a person for an offense under this article that the person has previously been convicted of an offense under this article, the *punishment for the offense is increased to the punishment for the next highest degree of felony* ~~person shall be punished for a felony of the third degree~~.

SECTION 10. (a) To accomplish the change in law made by this Act to Subsections (a) and (b), Article 62.06, Code of Criminal Procedure, relating to persons required to report to local law enforcement once in each year, the local law enforcement authority with whom a person verifies registration by reporting to the authority not earlier than the 30th day before and not later than the 30th day after the anniversary of the date on which the person first registered with the authority shall inform the person that on the next occasion and each succeeding occasion on which the person verifies registration the person must comply with Subsections (a) and (b), Article 62.06, Code of Criminal Procedure, as amended by this Act.

(b) The change in law to which this section applies does not affect the validity of any action taken by a person to verify registration before the person is provided an opportunity to be informed of the change in law made by this Act as required by this section.

SECTION 11. This Act takes effect September 1, 1999.

SECTION 12. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on May 6, 1999, by a viva-voce vote; passed the House on May 26, 1999, by a non-record vote.

Approved June 18, 1999.

Effective September 1, 1999.

## CHAPTER 445

### S.B. No. 1233

#### AN ACT

relating to the regulation of athletic trainers.

*Be it enacted by the Legislature of the State of Texas:*

SECTION 1. Section 1, Chapter 498, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 1. DEFINITIONS; EXCEPTIONS. (a) In this Act:

(1) "Athletic injury" means an injury sustained by a person as a result of the person's participation in an organized sport or sport-related exercise or activity, including interscholastic, intercollegiate, intramural, semiprofessional, and professional sports activities.

(2) "Athletic trainer ~~[Trainer]~~" means a person with specific qualifications, as set forth in Section 9 of this Act, who practices athletic training, is licensed by the board, and may use the initials "LAT," "LATC," and "AT" to designate the person as an athletic trainer. The terms "sports trainer" and "licensed athletic trainer" are equivalent to "athletic trainer."

(3) "Athletic training" means the form of health care that includes the practice of preventing, recognizing, assessing, managing, treating, disposing of, and reconditioning athletic injuries under the direction of a physician licensed in this state or another

*qualified, licensed health professional who is authorized to refer for health care services within the scope of the person's license*~~[, upon the advice and consent of his team physician carries out the practice of prevention and/or physical rehabilitation of injuries incurred by athletes. To carry out these functions the Athletic trainer is authorized to use physical modalities such as heat, light, sound, cold, electricity, or mechanical devices related to rehabilitation and treatment].~~

(4) ~~[(2)]~~ "Board" means the Advisory Board of Athletic Trainers.

(5) "Commissioner" means the commissioner of public health.

(6) "Department" means the Texas Department of Health.

(b) ~~[(3)]~~ Nothing herein shall be construed to authorize the practice of medicine by any person not licensed by the Texas State Board of Medical Examiners.

(c) ~~[(4)]~~ The provisions of this Act ~~act~~ do not apply to:

(1) physicians licensed by the Texas State Board of Medical Examiners;

(2) ~~to~~ dentists, duly qualified and registered under the laws of this state, who confine their practice strictly to dentistry;

(3) ~~nor to~~ licensed optometrists *and therapeutic optometrists*~~[,] who confine their practice strictly to optometry or therapeutic optometry as defined by statute;~~

(4) ~~nor to~~ occupational therapists~~[,] who confine their practice to occupational therapy;~~

(5) ~~nor to~~ nurses who practice nursing only;

(6) ~~nor to duly~~ licensed ~~chiropractors or~~ podiatrists~~[,] who confine their practice strictly to [chiropractic or] podiatry as defined by statute;~~

(7) ~~nor to~~ physical therapists who confine their practice to physical therapy;

(8) *registered massage therapists* ~~nor to masseurs or masseuses in their particular sphere of labor]; or~~

(9) ~~nor to~~ commissioned or contract physicians or physical therapists or physical therapists assistants in the United States Army, Navy, Air Force, Public Health and Marine Health Service.

(d) *This Act does not apply to an athletic trainer who does not live in this state, who is licensed, registered, or certified by an authority recognized by the board, and who provides athletic training in this state for a period determined by the board.*

SECTION 2. Section 12, Chapter 498, Acts of the 62nd Legislature, Regular Session, 1971 (Article 4512d, Vernon's Texas Civil Statutes), is amended to read as follows:

Sec. 12. GROUNDS FOR DENIAL, SUSPENSION, OR REVOCATION OF LICENSE. The board may refuse to issue a license to an applicant or may suspend or revoke the license of any licensee if *the applicant or licensee* ~~he~~ has:

(1) been convicted of a felony or misdemeanor involving moral turpitude, the record of conviction being conclusive evidence of conviction; ~~or~~

(2) secured the license by fraud or deceit; ~~or~~

(3) violated or conspired to violate the provisions of this Act or rules and regulations issued pursuant to this Act; *or*

(4) *provided services outside the scope of practice of athletic training.*

SECTION 3. This Act takes effect September 1, 1999.

SECTION 4. The importance of this legislation and the crowded condition of the calendars in both houses create an emergency and an imperative public necessity that the constitutional rule requiring bills to be read on three several days in each house be suspended, and this rule is hereby suspended.

Passed the Senate on April 6, 1999: Yeas 30, Nays 0; passed the House on May 26, 1999, by a non-record vote.

Approved June 18, 1999.

Effective September 1, 1999.